S.B.Cr.Misc. Bail App. No. 6009/2007
(Smt. Rukmani and Anr. Vs. State of Rajasthan)

Date of order : 13/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioners that initially after investigation, the police has filed challan against the present petitioners for the offence under Section 306 IPC, however, subsequently, on the basis of the statement of very witnesses on whose statement the police concluded the case under Section 306 IPC, challan has been filed under Section 302 IPC. According to learned counsel for the petitioners even from the perusal of the statement of the witnesses, there is no evidence of abetment to commit suicide. It is only witnesses stated that the deceased committed suicide because there was an allegation of theft against him.

Looking to the facts and circumstances of the case and the fact that there is consistent evidence that it is the deceased who committed the suicide and the petitioners being ladies, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Smt. Rukmani W/o Shanker Lal and Sugna alias Jamna D/o Shanker Lal be released on bail in FIR No. 206/2007 P.S. Kapasan, district Chittorgarh, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP